



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

Cynthia Sue (Bumbar) Emkes

B. Current home and office addresses, including email addresses and telephone numbers.

Home

Office

Johnson County Superior Court No. 2
18 W. Jefferson St.
Franklin, IN 46131
317-346-4420

C. Date and place of birth.

July 27, 1958; Aurora, IL

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

A completed State Police form was provided to the Commission on June 5, 2010.

- II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

(See Photograph Tab)

- III. A. State in what county you currently reside and since what date.

Johnson County: 1985 - present

- B. List all previous counties of residence, with dates.

Marion County: 1980 - 1985

Monroe County: 1976 - 1979

Jackson County: 1974 - 1976

Prior to 1974, I resided in Illinois.

- C. When were you admitted to the Indiana Bar?

June 3, 1985

- D. Are you currently on active status?

Yes

- E. What is your attorney number?

8538-41

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School:</u>	<u>Dates Enrolled:</u>	<u>Degree or Certificate:</u>
Indiana University, Bloomington, IN	August 1976 – August 1979	Bachelor of Arts <i>(See Transcript Tab)</i>
The Institute for	August 1979 –	Certificate in Paralegal

Paralegal Training,
Philadelphia, PA

December 1979

Studies
(No transcript available)

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School:</u>	<u>Dates Enrolled:</u>	<u>Degree and Rank:</u>
Indiana University School of Law, Indianapolis, IN	August 1982 – May 1985	Doctor of Jurisprudence. 48 / 225 (See Transcript Tab)

- C. Describe any academic honors, awards, and scholarships you received and when.

Law School: Doctor of Jurisprudence, *cum laude*, May 1985

Law School Graduate of the Year: *Phi Delta Phi*
International Legal Fraternity, Wilkie Inn Chapter Award,
May 1985 (nominated by Dean G. Kent Frandsen)

Top Paper: Tax, Transactions, Fiduciaries, and
Beneficiaries, 1984 (awarded by Professor Lawrence A.
Jegen III)

Undergraduate: *Alpha Lamda Delta* National Honorary Society: 1997
(limited to first year students with a 3.5 grade point
average and in the top 20% of their class)

Dean's List: recognition every semester, 1976-79

National Merit Scholar: scholarship awarded every
semester, 1976-79

- V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

<u>Position:</u>	<u>Dates:</u>
Judge, Johnson County Superior Court No. 2	July 1987 – present

Franklin, IN 46131

Magistrate,
Johnson County Circuit Court

March 1987– July 1987

Partner,
SARGENT & EMKES
Greenwood, IN

July 1985 – March 1987

Law Student Intern / Law Clerk,
Law Office of James F.T. Sargent
Greenwood, IN

May 1983 – July 1985

Law Student Intern / Law Clerk,
Hamilton County Superior Court
Noblesville, IN

October 1982 – May 1983

Paralegal,
SOMMER & BARNARD
Indianapolis, IN

January 1980 – August 1982

Clerk,
Osco Drug
Indianapolis, IN

January 1980– August 1980

Au Pair,
Robert and Susan Hess
Philadelphia, PA

August 1979– December 1979

- B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

As a Partner with SARGENT & EMKES, I practiced in the field of civil litigation. My caseload consisted of a wide variety of cases, including but not limited to, divorce, probate, contract, landlord-tenant, personal injury, and real estate matters. I also represented governmental entities such as county departments and commissions and city officeholders. I was a trial lawyer practicing across Indiana, but mostly in Johnson, Marion, Shelby, Bartholomew, and Morgan county courts. The only other attorney in the office was my partner, James F.T. Sargent.

C. Describe the extent of your jury experience, if any.

While in private practice, I represented parties in civil litigation before juries in Hendricks, Brown, and Johnson counties. The cases were personal injury cases regarding automobile accidents, homeowner liability issues, product liability issues, and fraud actions.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

My judicial experience began in March 1987, when I was appointed as the first full-time Magistrate in Johnson County. In July 1987, Governor Robert Orr appointed me as the Judge of Johnson County Superior Court No. 2.

Caseload Summary:

As a Magistrate, I presided over cases filed by the State of Indiana involving the collection of child support on behalf of custodial parents receiving government assistance, cases alleging juvenile delinquency, and paternity petitions. For the next seventeen (17) years after my Superior Court appointment, I presided over a caseload of randomly distributed criminal, civil, and probate cases. My caseload included misdemeanor and felony criminal cases, domestic relations cases, probate, guardianship matters, civil tort actions, and civil plenary cases. In June 2004, the Johnson County caseload allocation was revised by the judges to maximize the judicial resources within the county and more expediently and effectively address the rapid increase in filings. Since that time, I have primarily presided over felony and dissolution of marriage cases.

I have gained vast experience managing such an increasingly high volume court docket, have become skilled in both civil and criminal matters, and have acquired invaluable administrative tools working collaboratively with other judges, legislative and executive bodies, and other state and local agencies.

In addition to my Johnson County caseload, I have served as a Special Judge in civil and criminal matters in Bartholomew, Brown, Hamilton, Hendricks, Jackson, Marion, Morgan, and Shelby counties. I have also been appointed to serve as a Hearing Officer to preside over attorney discipline cases.

Growth in Johnson County:

During my tenure on the bench, Johnson County has grown substantially. At the time of my appointment, Johnson County was ranked 18th in population in Indiana by the 1980 Decennial Census. Projections for the 2010 Census anticipate a population in Johnson County in excess

on 141,000, ranking Johnson County as 10th in population.

This growth represents a 60% increase in population since 1990, and the caseloads of the courts have grown proportionately. The most recent caseload statistics reflect a 30% increase in court filings since 2004. Approximately 33,000 felony and standard civil cases have been filed in my court since I took office. If the misdemeanor and small claims cases that were ultimately heard by a magistrate are included, the total number of cases filed in Johnson County Superior Court No. 2 during my tenure exceeds 60,000.

I have been actively involved in developing the local judiciary to keep pace with the rapid population and caseload increases. I was the leading judicial officer involved in the effort to create the position of the Magistrate of the Johnson Circuit and Superior Courts in 1990. *See* I.C. 33-33-41-2. In addition, I was directly involved in the creation of Johnson County Superior Court No. 3 in 1997, including assisting with the draft legislation. *See* I.C. 33-33-41-3.

Trial Experience:

I have presided over approximately 90 jury trials in Johnson County and two (2) in other counties. Approximately 60 % of these trials involved civil issues, including but not limited to, automobile accidents, contract disputes, products liability, premises liability, and fraudulent transactions. The balance of the jury trials were criminal cases, the majority of which involved defendants charged with felonies such as murder, child molestation, dealing in drugs, burglary, armed robbery, theft, and repeat operating while intoxicated. I have also presided over numerous Grand Jury proceedings and hundreds of bench trials.

Death Penalty Experience:

I have presided over two (2) death penalty jury trials. The first, *State v. Eric Holmes*, was a Marion County case over which I presided as a Special Judge, appointed by the Indiana Supreme Court. The trial lasted five (5) weeks in 1993. *See* 49G05-8911-CF-131401 and 671 N.E.2d 841 (Ind. 1996). The second, *State v. Michael Overstreet*, was a Johnson County case in which the trial lasted three (3) weeks in 2000. *See* 41D02-9711-CF-00158 and 783 N.E.2d 1140 (Ind. 2003). In both cases, I issued a Sequestration Order directing that the jurors reside in a hotel under the supervision of bailiffs during the trial. In the Johnson County case, the jury was selected in Clark County because of extensive local publicity.

This death penalty jury trial experience developed and refined my trial and jury management skills. Death penalty trials require substantially more extensive preparation and trial management than that required for a

usual jury trial. As a result of the unique statutory and regulatory provisions governing death penalty cases and those involving sequestered juries, both the *Holmes* and *Overstreet* cases required precise decision-making regarding complex substantive and procedural issues and thorough organization.

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

1. **SUPPLEMENTAL DECREE OF DISSOLUTION OF MARRIAGE**

Bonnie Koons v. Victor Koons
41D02 - 0606 - DR - 00240
Filed January 24, 2008
(See Order 1 Tab)

2. **ORDER ON DEFENDANT'S MOTION TO SUPPRESS**

State of Indiana v. Debra A. Mitchell
41D02 - 0412 - FD - 000297
Filed July 11, 2006

3. **FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT ON PETITION FOR POST JUDGMENT RELIEF**

Michael Dean Overstreet v. State of Indiana
41D02 - 0401 - PC - 00001
Filed December 3, 2004
(See Order 2 Tab)

4. **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON PLAINTIFFS' / COUNTERCLAIM DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND ON DEFENDANTS' / COUNTER-CLAIMANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

David C. Stizer, and Stizer Buick-GMC, Inc. v. Gary Pedigo and Pedigo Holdings, Inc.
41D02 - 0109 - CP - 00271
Filed July 30, 2003
(See Order 3 Tab)

5. **ORDER ON SENTENCE OF DEATH PURSUANT TO INDIANA CODE 35-50-2-9**

State of Indiana v. Michael Overstreet
41D02 - 9711 - CF - 00158
Filed July 31, 2000
(See Order 4 Tab)

B. If applicable, list up to five legislative drafts or court rules you have written

or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

1. LR41-AR15-028 to -031.
Adopted 2007
Johnson County Court Reporter Rules
2. LR41-AR01-057 to -062.
Adopted 1999; Amended 2004 *and* 2007
Johnson County Plan for Allocation of Judicial Resources
3. LR41-CR2.2-085 to -092
Adopted 1995; Amended 1996 *and* 2005
Johnson County Criminal Rules
4. LR41-FL00-093 to - 100
Adopted 1991; Amended 1997, 1999, 2001, *and* 2004.
Johnson County Domestic Relations Rules
5. LR41-AD00-134 to -0137.
Adopted 2006
Johnson County Courthouse Security Rules

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

1. **Indiana Pattern Jury Instructions-Criminal**
Michie, (2003) Third Ed.
Death Penalty and Life Without Parole

As a member of the Criminal Instructions Committee of the Indiana Judges Association, I contributed to the revised Third Edition of the Indiana Pattern Jury Instructions – Criminal book published in 2003 by authoring the “Death Penalty and Life Without Parole” section, including trial and sentencing phase instructions and Verdict Forms. Based on the 2002 amendments to the death penalty statutes and recent cases, I drafted a complete substantive and procedural revision of this section. The instructions I drafted were adopted with minimal modifications by the Committee.

2. **Indiana Criminal Benchbook**
Indiana Judicial Center (2001) Third Ed.
2005 Supplement
Capital Cases

As a member of the Judicial Conference of Indiana's Criminal Benchbook Committee, I authored the amendments necessary to section 83 of the Benchbook, "Capital Cases," published in 2005. Based on the 2002 statutory amendments and recent cases referred to above, a complete substantive and procedural revision was required in this section. The legal amendments I drafted were adopted with minimal modifications by the Committee.

- D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Copies of four (4) of the written materials listed above are included with this application, at the tabs designated Order 1, Order 2, Order 3, and Order 4.

- E. Describe the nature and extent of any *pro bono* legal services you have contributed.

In private practice, I volunteered to represent litigants who could not afford counsel, and I was assigned to represent several litigants in divorce cases. Furthermore, in 1985-87, I volunteered to participate as a panel member and speaker with other professionals in a collaborative effort to educate the public about the importance of executing a will and the value of estate planning from tax, legal, and financial perspectives. This group presented several free seminars to the public.

In my judicial capacity, I am committed to assisting self-represented litigants. I have implemented use of the forms developed by the Indiana Supreme Court's *Pro Se* Advisory Committee in Johnson County, as well as locally drafted forms for self-represented litigants. My staff provides litigants with the necessary information to request legal aid resources in the county and to determine whether they qualify for legal assistance.

I was directly involved in the creation of several local programs that have successfully provided affordable services to litigants and their families. For example, through my liaison role with a local youth services bureau, I was instrumental in the implementation of local mandatory divorce co-parenting education in 1990 and the sliding-scale fee system for custody evaluation program established in 2000. For these efforts and others related to improving and expanding services to families, I have received numerous awards including the "Champion Award" from the Johnson County Youth Services Bureau and Youth Connections in Franklin. I was also awarded a Juvenile Judges Symposium Award in

1995.

Within the past three years, I partnered with another local judge to establish and implement the Johnson County Domestic Relations Alternative Dispute Resolution Program. This program exists to provide access to alternative dispute resolution to low-income litigants in dissolution and paternity cases. Parties are provided with the services of qualified mediators and parenting coordinators on a sliding-fee scale based on income. In addition, administrative facilitations are offered to self-represented litigants in all dissolution cases in order to assist parties to reach and / or document any agreements. As the number of dissolution cases involving self-represented litigants continues to increase, these services assist self-represented parties through the sometimes confusing judicial system, while reducing costly and prolonged litigation. In criminal cases, I oversee a legal services component of the court that is funded by fees collected from eligible criminal defendants. These fees are utilized to pay for criminal representation and services for indigent litigants.

I work cooperatively with the Heartland Pro Bono Council to recognize attorneys who volunteer their services to litigants. I frequently encourage attorneys to volunteer their services in exchange for the Court sponsoring their attendance at continuing education classes. For the last two (2) years, the Courts partnered with the Johnson County Bar Association to sponsor a free "Mediation Day" program for divorce litigants. The judges select the cases most suitable for the program, and attorneys mediate the cases at no cost to the parties. My court sponsors some of the attorneys involved in this valuable program by assisting with the cost of their required mediation training in exchange for their volunteer hours.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

1. **ADDRESSING ALCOHOL AND OTHER DRUG ISSUES WITHIN THE CRIMINAL JUSTICE SYSTEM**

Studies nationwide reveal that the vast majority of defendants in the criminal justice system either commit drug related crimes or commit crimes because of an underlying abuse issue. As a judge with prior juvenile court experience and with both civil and criminal jurisdiction, it was obvious to me decades ago that a common denominator in many juvenile, domestic, and criminal cases was the abuse of alcohol and other drugs.

In 1990, as a component of the local Community Corrections Program, I started working on a plan with the Director of the Program to offer defendants in the program alcohol and drug evaluations in an effort to reduce recidivism through treatment. At the time, the courts did not have any court agency or contract vendor to perform affordable evaluations, and most defendants did not have insurance that would cover such an evaluation from a private organization or enough income to pay for an evaluation.

I realized a court-supervised assessment program was the most reliable approach and accordingly established an informal committee of various treatment providers and representatives from the probation department, the defense, and the prosecutor's office. With input from this group, the Director and I wrote out a plan for a program that ultimately became known as The Johnson County Alcohol and Drug Services Program. The proposal was for me to supervise the Program and for the budget to be under the direction of the Community Corrections Department. Within a few years we were able to formulate a reliable and effective plan for assessments, treatment providers, supervision of defendants, and program monitoring, and I presented the plan to the Johnson County Board of Commissioners and the Johnson County Council. With funding from the county general fund and a grant from the Indiana Department of Correction, the program started in 1995. At first the program was available only to defendants in the Community Corrections Program, but soon expanded to any defendant charged with any crime in the county courts.

Eventually laws were passed that required the Indiana Judicial Conference, through The Indiana Judicial Center, to take responsibility for the certification of programs such as ours that had started across the state. To bring our Program into compliance with the certification requirements, I wrote the written rules and procedures for the Program in 1997. I have proudly supervised The Johnson County Alcohol and Drug Services Program since its inception and it has been certified as required over the years by The Indiana Judicial Center. The Program is no longer under the budget of the Johnson County Community Corrections Department. For over five years, the program has been self-sustaining funded solely by user fees and not by any general fund money. I believe all stakeholders in the system would agree that this Program has been an invaluable tool in reducing recidivism, providing treatment options, and rehabilitating defendants.

As a judge it is my duty to take a leadership role in addressing issues in the justice system. The citizens who elect me expect me to have the vision to formulate successful plans such as the Johnson County Alcohol and Drug Services Program. Addressing the issue of alcohol and

other drugs in the criminal justice system has been one of the most important legal matters entrusted to me.

2. **FORMULATING PLANS AND PROGRAMS TO CONSIDER, DEVELOP, AND IMPLEMENT ALTERNATIVES TO INCARCERATION**

In the late 1980s Johnson County was forced to begin planning an expansion of the Johnson County Law Enforcement Facilities due to overcrowding issues in the jail. A local Jail Management Committee was formed and procedures were implemented to address the overcrowding issues while the plans for the expansion were developed. In the planning process, I began discussing the jail issues with a local probation officer, and we noted that the courts were also overloaded with repeat offenders. The officer and I began investigating grant opportunities for programs that developed and implemented alternatives to incarceration in an effort to address both the overcrowding issues at the jail as well as the overburdened criminal court dockets. Because state penal institutions were suffering the same stress on their facilities as were the local jails, we quickly discovered and applied for a Community Corrections Grant through the Indiana Department of Correction.

Issues of restorative justice, therapeutic jurisprudence, treatment based rehabilitation, comprehensive case management, and intervention strategies were discussed and developed as different stakeholders in the criminal justice system searched for new alternatives to incarceration or in addition to short-term incarceration. In the early and mid-1990s I helped draft procedural and substantive manuals for home detention programs, work release programs, and educational programs designed to reduce participants' desires to commit crimes or be involved in risky behavior and to teach participants ways to modify their behavior. These cognitive based rehabilitation sentencing options have developed and expanded over the last two decades as the Johnson Community Corrections Program has expanded. Today Community Corrections staff members perform risks and needs assessments on defendants to develop individualized educational and therapeutic sentencing plans, comprehensive case management and intervention programs, and job training and placement.

Despite the availability of these alternative programs and probation monitoring, a substantial number of defendants must be sentenced to a penal facility for rehabilitation, and cannot be considered for probation or alternative programs. As a judge with criminal jurisdiction, I must always consider the goals of the system of reducing recidivism, rehabilitating defendants and protecting society in deciding an appropriate sentence. One of the most important legal matters entrusted to me has been the task of working collaboratively with other professionals to create viable

sentencing options, and considering them when appropriate as alternatives to, or in conjunction with, incarceration.

3.

IMPROVING ACCESS TO THE JUSTICE SYSTEM

When I became a Superior Court judge in 1987, the court's caseload was extraordinarily high compared to the other courts in the county and other courts in other counties of comparable size. This was due in part to the court's jurisdictional caseload. While Superior Court No. 2 had concurrent jurisdiction over all criminal and civil cases with Circuit Court and Superior Court No. 1, it also had exclusive jurisdiction over all misdemeanor and small claims cases.

Within a short time, it was evident to me that the litigants most affected by the over-burdened system were those involved in small claims cases. At that time, the jurisdictional limit for small claims cases was \$3,000.00. Few litigants can afford to hire an attorney for cases involving such small amounts. Further, because of the nature of the issues, prompt resolution is frequently necessary. For example, time is of the essence if a landlord is successful in his claim to have a tenant evicted for non-payment of rent as damages to the landlord increase every day the rent is not paid, and the landlord remains unable to rent the property to another tenant. The back-log in scheduling hearing dates, processing these case files, and adjudicating these issues was unacceptable. Furthermore, both plaintiffs and defendants experienced difficulty navigating the system without attorneys and without guidance from the court.

During this period of time, I was a member of the County Court Committee for the Judicial Conference of Indiana, and I worked diligently with other members of the Committee to draft small claims forms and procedures for non-represented parties. Locally, I formed a Small Claims Committee comprised of judges and attorneys to implement Small Claims Rules to assist all small claims litigants as their cases proceeded through the system. I added a night court session in an effort to more efficiently and effectively assist these litigants. All of these efforts helped to some extent; however, after committing almost two (2) years to the effort, I realized that it was crucial that I begin the process of creating another court. The citizens of Johnson County expected me to ensure that justice in my court would be administered promptly, and although I had only been a judge a few years, I knew I had to take drastic action to adequately resolve the issues.

I first addressed this crisis by presenting the issue before the County Council and the County Commissioners. When I received their approval to proceed, I presented the argument for a new court to the Commission on Courts (a Commission created by the Indiana General

Assembly to research and make recommendations on such requests). I worked with local legislators and state officials to draft legislation to add a Magistrate's division to handle small claim cases. As a result of the passage of this legislation (*see* I.C. 33-33-41-2 *et. seq.*), litigants with small claims cases were finally able to proceed expeditiously through the Magistrate's small claims division.

Due process mandates all claims be heard in a meaningful manner regardless of the amount of the claim in dispute. As a judge, one of the most important legal matters entrusted to me is to resolve injustices in the system; therefore, when I had exclusive jurisdiction over cases that I knew were not being resolved promptly due to a systemic problem, I took immediate action to remedy the issue. Drafting the small claims rules and forms and establishing the Magistrate division ultimately made the entire court system more user-friendly and more responsive to the needs of the citizens.

4. **HANDLING DEATH PENALTY CASES AND TEACHING OTHER JUDGES BASED ON MY EXPERIENCES**

Appointed as a Special Judge by the Indiana Supreme Court in 1990, I presided as trial judge in a death penalty case in Marion County through all pre-trial matters, jury trial, and ultimately sentencing in 1993. A Special Judge appointment is in addition to the regular duties a presiding judge has in his or her assigned court. The case in Marion County involved a defendant charged with multiple crimes including two (2) murders and one (1) attempted murder. At the time of my appointment, I had been a trial court judge for only three years and an attorney for only six, and assuming such an important role in a high-profile case seemed daunting to me at first.

I was well aware of the "super due process" rights afforded such a case, but unfamiliar with the specific constitutional issues, statutes, cases, and procedures. Death penalty cases are the kind of criminal cases in which special care is needed, not only because the defendant's life is at stake, but also because of complex legal issues. The United States Supreme Court has coined the phrase "death is different" because death penalty cases are not like any other criminal cases. They are governed by a unique body of law developed by the U.S. Supreme Court especially for death penalty cases. These cases are reviewed and scrutinized in state and federal courts for decades after they conclude. In Indiana, the Indiana Supreme Court has mandatory and exclusive appellate jurisdiction over these cases.

In sum, death penalty cases are deserving of the best performance and the highest level of commitment from each player in the courtroom,

especially the judge; therefore, I devoted substantial time to reading and studying cases both at the federal and state level, the applicable Indiana criminal trial court rules and statutes, and other legal materials regarding death penalty cases. I did everything I could think of to prepare myself adequately to preside over the case.

The jury trial lasted approximately five (5) weeks, including jury selection. It was the first sequestered jury trial that I had presided over, and I gained an invaluable amount of experience managing jury selection, jury issues, and trials in general. Each day the courtroom was packed with spectators, family members of all of the victims, the defendant's family, and media reporters. I gained tremendous experience handling the security issues, the media, and the public in a high profile case.

I imposed the death sentence in the Marion County case after having excused the jury because they were unable to reach a unanimous sentencing recommendation. The written Sentencing Order I issued has been upheld through all state and federal reviews to date. See *Holmes v. State*, 671 N.E.2d 841 (Ind. 1996).

In 1995-96 I was again appointed by the Indiana Supreme Court to preside over a Post-Conviction Relief proceeding in Marion County to collaterally review whether a death sentence imposed by another Judge should be upheld. After multiple pre-trial hearings and a two (2) week trial, my Order on Post Conviction Relief granted the Defendant's request for a new sentencing hearing, but affirmed the murder conviction. That Order has been upheld through all state and federal reviews to date. See *Ben-Yisrayl v. State*, 738 N.E.2d 253 (Ind. 2000).

From 1997 through sentencing in 2000 I presided over another high-profile death penalty case in Johnson County. I issued a Sentencing Order (attached here in the "Order 4" tab) that imposed the death penalty. During the direct appeal in that case, I was honored to have the Indiana Supreme Court single out my Order as "particularly thoughtful and thorough" and as "highly instructive" for my trial court peers and attorneys. See *Overstreet v. State*, 783 N.E.2d 1140, 1167 (Ind. 2003). I subsequently presided as judge in the Post-Conviction Relief trial regarding this defendant in 2003-04, and the Order I issued in that proceeding (attached here in the "Order 2" tab) has been upheld through all state and federal reviews to date. See *Overstreet v. State*, 877 N.E.2d 144 (Ind. 2007).

Fortunately, death penalty proceedings remain relatively rare in Indiana. Most trial court judges in Indiana will never hear a murder case, let alone one in which the death penalty is at issue. For that reason, effective judicial education on this subject is crucial to ensuring that those

judges presiding over death penalty cases are prepared for the unique substantive, procedural, and administrative issues raised in such cases. In the 23 years that I have been a judge, I have handled more death penalty cases than any other Indiana trial court judge currently serving. Based on the experiences I have had, I have dedicated myself to training other judges in the state and have given freely of my time. Presiding over a death penalty case is intellectually challenging, emotional draining, and time consuming, and my goal has been to teach other judges how to best prepare for these important proceedings. I have chaired two (2) full day conferences on the topic, helped draft legal publications, and assisted with research projects. One of the most important legal matters entrusted to me has been handling death penalty cases and having the opportunity to help other judges learn from my experiences.

5. **DECIDING DISSOLUTION OF MARRIAGE ISSUES**

I have always had jurisdiction over dissolution of marriage cases as a Superior Court Judge, but over the years, they have not become any less troublesome. Being entrusted to decide personal issues for a family including custody, parenting time, property division, child support, and the payment of debts, are matters of the upmost importance to me and ones that I recognize need prompt attention.

When family members have unsuccessfully tried to resolve their differences informally outside the courtroom or formally with the assistance of attorneys and mediators, by the time they appear in court they are emotionally, physically, spiritually, and often times financially, exhausted. Most litigants are appealing to me to quickly “fix” matters that have been broken for years and for which there appears to be no just legal remedy. There are times when, no matter how much knowledge, skill, or compassion I have about resolving the situation, I cannot render a decision that restores the parties to the place they want to be.

Throughout my tenure on the bench, I have worked consistently to improve the effectiveness and efficiency of the Johnson County courts in dissolution cases. I was directly involved in the creation of the original Johnson County Domestic Relations Rules in 1991. From the beginning, these rules had two (2) primary purposes: 1) to ensure the effective administration of dissolution cases; and, 2) to reduce the impact on the children involved in these cases. Thus, nearly ten (10) years before the adoption of the Indiana Parenting Time Guidelines, the Johnson Circuit and Superior Courts were operating under local Visitation Rules that required parental communication, sharing of information involving children, provision of sufficient clothing, systematic division of holidays between the parents, and abatement of support. In 1999, the Johnson County Visitation Guidelines were amended and broadened to provide

specialized provisions for very young children, relocation, long-distance parenting, and teen-aged children.

In addition, the Johnson County Domestic Relations rules were modified to require mediation of all contested issues prior to the final hearing. Mediation is an effective method to ensure that the parties participate in the resolution of their own dispute. Unfortunately the cost of mediation often puts it out of the reach of many Johnson County litigants. Full implementation of the Domestic Relations Alternative Dispute Resolution Program has filled the gap to provide mediation, and occasionally parenting coordination, on a sliding-fee scale based on income.

Before taking the bench, I realized that families involved in divorces suffered a great deal of trauma throughout the proceedings. After taking the bench, I began researching programs to reduce this trauma on both the parents and the children. Eventually, I was directly involved in implementing divorce co-parenting classes by the Johnson County Youth Services Bureau (now known as Youth Connections). Mandatory attendance in these classes by parents and children has been included in the local Domestic Relations rules since in 1998.

I have continued to work with Youth Connections as the liaison between the courts and that agency. Through that relationship, I have assisted in the development of other services to divorcing families, including supervised visitation, parenting exchanges, and reasonably-priced custody evaluations.

If custody and parenting time matters have to be litigated, most often one party will be deeply disappointed with the decision because it is unlikely a joint custody order will issue when the parties cannot communicate to resolve basic issues relevant to the welfare of the children. I always strongly encourage the parties to attempt once again to reach an amicable resolution to these issues before the trial begins because the wounds often get worse as the evidence unfolds. Even with the guidance of the statutory factors relevant to a custody determination, these issues are always challenging to decide, and are among the most important entrusted to me because of the long lasting effects my decisions have on all of the family members, especially the children.

Deciding financial matters such as child support, property division, and the payment of debts is likewise often difficult, especially so during times of economic stress. During the past few years, I have seen more unemployed, under-employed, and limited income parents. Making workable decisions about paying bills and providing for children in two separate households is especially difficult when the bills could not be paid

and the children could not be supported in one intact household. Despite the challenges surrounding deciding financial matters for families, I believe these issues are some of the most important entrusted to me because the families are virtually unable to make these decisions and they need a prompt decision from the court to guide them.

- G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

Jeffrey C. Eggers, Esq.
EGGERS WOODS
58 W. Jefferson Street
Franklin, IN 46131
(317) 738-9564

Lynette Gray, Esq.
JOHNSON GRAY & MACABEE
63 E. Court Street
Franklin, IN 46131
(317) 738-3365

Lori Torres, Esq.
Commissioner, Indiana Department of Labor
Indiana Government Center
402 W. Washington Street, Room W195
Indianapolis, IN 46204
(317) 232-2655

- VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

I strongly believe that it is imperative to frequently extend my role as a leader, as a member of the legal community, and as a trial court judge outside the confines of the courtroom, and have had the opportunity to do so in numerous ways. In section VII (D) herein, I have outlined my involvement in professional organizations, and through my involvement in those organizations, I have drafted and authored legal materials. Further, in section VII (F) herein, I have outlined my efforts through presentations at legal conferences.

I have volunteered to speak to, and have spoken to upon request, thousands of people over the past 23 years that I have been a judge as I have outlined in section VII (B) herein. Through those efforts I have educated others about our judicial system and have striven to encourage confidence in our system by explaining how all branches of government operate. I have taught citizens the importance of voting, the legal system, jury duty, and the Constitution. I have frequently participated in mock trials at both the Indiana University School of Law in Indianapolis and in Bloomington and have assisted professors and students with research projects and presentations. Through these efforts I have contributed toward the improvement of the legal system and toward the administration of justice.

In addition, I have actively participated in a number of local efforts that have resulted in the legal system in our county functioning more responsively to the needs of the users and the community and operating more efficiently. As a result, justice has been administered in a more fair, reliable, and accountable manner. Specifically, I have been involved in the creation, implementation, and management of the following departments and programs in an effort to further the administration of justice in Johnson County:

- In 1988, I was the only jurist involved in the creation of the county "Community Corrections Program," and this program still exists today to offer alternative placements and rehabilitation programs for criminal defendants. I served several years as President of the Community Corrections Advisory Board, and have consistently been an active member on various committees for the Board for 22 years. Today this program is an essential tool in the criminal justice system in that its component programs provide numerous pre-trial release and sentencing alternatives, provide "wrap-around" services to defendants for improved rehabilitation and less recidivism, and help identify the risks and needs of each defendant.
- In 1990, I led the local effort to establish one of the first mandatory programs in Indiana for parents and children to participate in an effort to help them learn to cope with divorce. I have continuously been the supervising judicial officer for this program, now known as the "Families in Transition Program," for nearly twenty (20) years.
- Recognizing the need for a local court-supervised and state-certified substance abuse assessment program, I was the county judge involved in the creation of the "Johnson County Alcohol and Drug Services Program" in the mid-

1990s, and I have consistently supervised this program for over 15 years. This program provides low cost assessments to defendants, establishes their treatment plans, and monitors them through completion.

- As a member of the county's Jail Management Committee since 1988, I continue to be involved in formulating and managing plans to speed the flow of prisoners through the system.
- In 2002, I was the county judicial representative on a multi-disciplinary team of mental health and criminal justice professionals at a statewide summit on mental health and legal reform efforts. Within a few years of the summit, I helped lead a local effort to establish the current "Johnson County Forensic Diversion Program". This program represents a successful collaborative effort between local mental health, addiction, and criminal justice agencies to improve inter-agency coordination of services for defendants diagnosed with both a mental illness and a drug addiction.
- Most recently, I have been actively involved in the implementation of the "Johnson County Alternative Dispute Resolution Program." Among other worthwhile purposes, this program assists low-income families through the mediation process in an effort to resolve their divorce cases and eliminate the need for trial. I have assisted with the supervision of this program since inception.
- I have participated in the preparation of the necessary grant applications, rules, and related materials for all of the above programs.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

I have spoken to students of all ages, both in the classroom and in my courtroom, during the entire time I have served as a judge. Topics of my presentations have been about legal issues, the court system, the jury process, the branches of government, the Constitution, voting, and various other matters. I have addressed small groups of children, such as Scout troops and church confirmation classes, as well as larger groups, such as entire classes at Franklin College and Greenwood High School. I also frequently speak about these and other subjects related to law and

government to adult groups such as the Johnson County republican women's clubs and the Greenwood Chamber of Commerce.

I have organized civic projects to help individuals in groups such as Boy Scouts earn their badges, students in academic programs earn volunteer hours, and church members fulfill mission projects. One such activity required voting age students to post signs at schools encouraging students and faculty to register to vote and to vote. I also was extensively involved with a multi-year death penalty research project with law students at Indiana University School of Law in Bloomington.

- C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

1. **Concordia Lutheran Church**
(1985 - present)

I have been an active member of Concordia Lutheran Church, Greenwood, Indiana for twenty-five (25) years and have served several terms as a member of the Board of Young People, as a Sunday School teacher, and as a member of the Stewardship Board. I am currently a member of the Board of Missions and Outreach and a member of a small group ministry program with other church members.

As a Sunday School teacher and as a member of the Board of Young People from 2002-2006, I frequently organized and participated in church and mission project fundraisers, represented the church at local fairs, and assisted with Vacation Bible School. I helped organize and promote local church mission projects including a concert at the University of Indianapolis by a nationally known gospel singer and church "drive-in" restaurant fundraisers. These projects helped raise funds for Hurricane Katrina relief victims and for our church youth to attend a National Youth Gathering.

Since 2008, I have been a member of the Board of Missions and Outreach, and the primary ministry programs of the Board have been with the Greenwood Samaritan Services Salvation Army Food Pantry and Habitat for Humanity of Johnson County. I have concentrated my volunteer time primarily with the local Habitat for Humanity building projects. Not only have I worked at the building locations and assisted with fundraising auctions and other events, I have also assisted others in a public effort to raise awareness of the program.

As a five (5) year member of a ChristCare small group ministry within the church, I have spent considerable time on our mission project of

keeping college students connected with the church through various projects such as sending care packages to each student several times each year. Over the past several years, I have been one of the primary members responsible for this task, and have personally helped purchase, package, and mail hundreds of care packages.

2. **Franklin United Methodist Community**
(2002 - 2009)

For several years, I volunteered as a member of the Board of Directors for Franklin United Methodist Community, the 23rd largest continued-care retirement community in the country, located in Franklin, Indiana. I actively served on several committees out of genuine concern for continued high-quality care for seniors in our community and a desire to provide advocacy for quality care statewide. For a period of two (2) years for each term, I served one term on each of the following committees: the Admissions Committee, Community and Public Relations Committee, Human Resources Committee, and the Long Range Strategic Planning Committee.

Membership on the Board of Directors is by a nomination and voting process, and Board members are dedicated and community-minded professionals and lay people from across the state committed to faith based services for retirement and assisted living care. Because of the powerful leadership and joint efforts of all Board members, a \$25,000,000.00 expansion and renovation project was designed and completed in the last three (3) years of my term on the Board.

3. **Kappa Delta National Sorority, Sigma Upsilon Chapter-
Indiana University**
(1977 - present)

Both the Kappa Delta Sigma Upsilon Chapter at Indiana University and the National Organization inspire their members to be involved in community and leadership projects. The local chapter helps the Bloomington community and the state of Indiana through its numerous charitable fundraising events. The primary philanthropy in Bloomington is the Shamrock Event, which benefits the local and National Prevent Child Abuse organization. There are also events frequently to benefit Riley Hospital for Children, Girl Scouts of America, and Bloomington's Middle Way House. I have worked with Kappa Delta student members for decades with these events by sponsoring the students and assisting them as they request.

D. List any memberships and offices you have held in professional

organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

1. **National Council of Juvenile and Family Court Judges and the Indiana Council of Juvenile and Family Court Judges**
(Approximately 1995 – present)

I am a member of both of these organizations. Both Councils exist to help provide the necessary education, skills, resources, and information that judges, mental health professionals, police agencies, probation officers, and others who work with families and children need to serve those in the system as practically and efficiently as possible.

2. **American Judicature Society**
(approximately 2005- present)

The American Judicature Society is a National organization of individuals devoted to the general concept of perpetually improving our system of justice. Members of the public at large, as well as professional groups such as judges, attorneys, and educators, work jointly within the Society on efforts to improve professionalism, independence, integrity, and civility within the judiciary and our justice system. My membership, as well as that of other judges in Indiana, is made possible because of the financial support of the Indiana Supreme Court.

3. **Phi Delta Phi International Legal Fraternity**
(1982 – present)

I have been a member of Phi Delta Phi (Wilkie Inn) since 1982. The promotion of legal ethics, professionalism, and civility among lawyers is the core mission of Phi Delta Phi, with an emphasis on instilling these values in law students and young lawyers.

4. **The Indiana Judges Association**
(1987 – present)

By virtue of their office, all judges in Indiana are members of the Indiana Judges Association, which is governed by the officers and the Board of Managers selected by the members. The Association works primarily through its topical committees. I served on one such committee, the Criminal Instructions Committee, for a total of ten (10) years (1998-2004, 2008-present), including serving as Chairperson.

The Indiana Judges Association's Criminal Instructions Committee is responsible for writing and publishing the instructions that judges across the state use as the instructions on the law that they give to

jurors. Although these instructions are not approved as a whole by the Indiana Supreme Court, they are patterns and widely accepted and used statewide. The instructions are published in the Indiana Pattern Instructions book, the books are sold to judges and attorneys, and the money generated from these sales funds the Indiana Judges Association's efforts statewide.

From 2002 to 2003, the Committee devoted substantial time to rewriting the entire Indiana Pattern Instructions-Criminal book to simplify the language and format of the instructions so that jurors could more easily understand and follow them, and as an active member of the Committee during that time, I volunteered to assist throughout the process. My primary focus in the revision process was to rewrite the death penalty and life without parole instructions and Verdict Forms. The sections I drafted were adopted with minor modifications by the Committee and published in the 2003 Third Edition of the book. As Chairperson in 2004, I helped supervise the task of writing the first supplement to the Third Edition based on legislative changes and developments in the law.

5. **The Judicial Conference of Indiana**
(1987 – present)

I served two (2) terms as a member of the Board of Directors for the Judicial Conference of Indiana. The Board consists of 26 elected and appointed judges who meet several times each year to address the business of the Conference. The Conference is charged with multiple responsibilities assigned to it by the Indiana General Assembly, including overseeing Indiana's Reentry and Alcohol and Drug Courts, setting probation officer standards, providing educational programs for judges, court personnel, and probation officers, and promoting a better understanding of the judiciary.

The Judicial Conference works through its several committees and its staffing agency, the Indiana Judicial Center. I have served on three (3) different committees. As a member of the County Court Committee from 1988 to 1990, I assisted in the drafting of numerous small claims forms and rules. As a member of the Civil Benchbook Committee from 1991 to 1997, I assisted in the drafting of substantive and procedural sections, including serving as the primary drafter of the section on Summary Judgment. As a member of the Criminal Benchbook Committee from 2005 to 2007, I assisted in drafting legal materials, serving as the primary drafter of the Capital Cases (death penalty) section based on significant substantive and procedural changes in the law since the last publication.

6. **Indiana State Bar Association**
(1985 – approximately 2005, present)

The Indiana State Bar Association is a statewide organization of attorneys. As a member of the Association between 1985 and 1990, I was a member of the Young Lawyer's Division and I was one of the delegates from Johnson County to the Association's Annual Board of Delegates meetings from 1990 – 94. I have recently resumed active status.

I was recognized as an Indiana State Bar Association "Women in the Law Honoree" in 1993 shortly after the award was established. Honorees are chosen by members of the Women in the Law Committee of the Indiana State Bar Association based on the activities of the recipient that inspire and promote the advancement of women in society, the legal profession, education, networking, and the community at large.

7. Johnson County Bar Association
(1985 – present)

As a practicing attorney, I was a voting member of the Association from 1985 through 1987, and served as Secretary in 1987. By virtue of my office as a judicial officer, I have been a non-voting member of the Association since taking the bench in 1987. The purpose of the Association is to encourage continuing legal education among its members, advance professionalism and fellowship, perform community outreach, and to work with the judiciary and other organizations to enhance legal services within and throughout the county.

Since 1987, I have been a standing member of the Domestic Relations Committee, the Local Rules Committee, the Small Claims Committee, and the Law Day Committee. Every year that the Association has sponsored a Law Day program, I have been actively involved. Several mock trial presentations enacted in celebration of Law Day were based upon trials conducted in my court. I have written and organized mock trials and other programs on multiple occasions. I frequently assist the Education Committee develop conference topics, secure presenters, and prepare materials.

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

1. Kappa Delta National Sorority (Sigma Upsilon Chapter-Indiana University)
(1977 – present)

2. Indiana University Alumni Association

(1979 – lifetime membership)

3. **Indiana University Alumni Association, Johnson County Chapter**

(1990 – present)

Board of Directors (1995 – 2000)

Scholarship Committee (1995 – 2000)

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

During my tenure as a judge, I have had the pleasure of participating as a speaker, presenter, panel member, and chairperson for various organizations. I was honored by the Indiana Judicial Center in 2002 as one of their most frequent conference presenters. I have taught the following topics at conferences sponsored by the Indiana Judicial Center (IJC), Indiana Lawyer, or the Indiana Continuing Education Forum (ICLEF):

1992:	Summary Judgment, ICLEF
1995:	Criminal Law, IJC
1996:	Evidence, IJC
1997:	Criminal Docket Management, IJC
1998:	Ethics, Indiana Lawyer
1998:	Trial Management, Indiana Lawyer
1999:	Juvenile and Family Law, IJC
2001:	Civil Trial Management, ICLEF
2002:	Death Penalty, IJC
2002:	Judicial Code of Conduct; Ethics, IJC
2008:	Death Penalty, IJC

G. Describe your hobbies and other leisure activities.

I enjoy gardening, landscaping, and nature in general. Some of my hobbies include photography, scrapbooking, and holiday craft and decorating projects. I enjoy spending time with family and friends, and spend as much leisure time as possible with immediate and extended family at home, attending local and distant attractions, and traveling. I enjoy attending concerts, theatre performances, and sporting events locally and in other venues. Although I read frequently, the vast majority of my reading material is law related.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

The Honorable James K. Coachys
United States Bankruptcy Court

Southern District of Indiana
Birch Bayh Federal Building and
United States Courthouse
46 E. Ohio Street, Room 322
Indianapolis, IN 46204
(317) 229-3870

The Honorable Sarah Evans Barker
United States District Court
Southern District of Indiana
Birch Bayh Federal Building and
United States Courthouse
46 E. Ohio Street, Room 210
Indianapolis, IN 46204
(317) 229-3600

The Honorable K. Mark Loyd
Johnson County Circuit Court
Johnson County Courthouse
Franklin, IN 46142
(317) 346-4407

- B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

Mrs. Sandi Huddleston
280 E. Creekside Court
Franklin, IN 46131
(317) 908-2926

Reverend John A. Flamme, Pastor
Concordia Lutheran Church
and Preschool
305 Howard Road
Greenwood, IN 46142
(317) 881-4477

Representative Woody Burton
977 Red Maple Court
Greenwood, IN 46143
Whiteland, IN
(317) 881-0400

- C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief

explanation.

None.

- D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

None.

- E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

None.

- F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

None.

- G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

None.


- IX. A. Attach a recent statement from your physician describing your general physical condition.

- B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

- C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes, without accommodation.

Date: June 28, 2010


Cynthia S. Emkes

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

Date: June 28, 2010



Cynthia S. Emkes